Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 1187
Bill #: HB 254
Document ID #: 2452
Bill Subject/Title: AN ACT relating to financial responibility of motor vehicle operators.
Sponsor: Representative Daniel B. Elliott
Unit of Government: X City X County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: Law enforcements, fire departments, rescue squads, and EMS agencies
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 254 creates a new section of KRS Chapter 189 allowing a driver convicted of violating KRS 189.290 for driving on a highway that is barricaded due to temporary flooding to be held liable for the costs of rescue or recovery up to \$2,000. HB 254 removes any expenses resulting from the above violation from the definition of medical expense. HB 254 also allows insurance policies to exclude coverage for a person's liability under this situation.

Costs would include those incurred by public agencies, for-profit entities, or not-for-profit entities that make an appropriate emergency response to an incident. The response includes police, firefighting, medical, or other emergency services provided at the scene of an incident inclusive of the salaries of the responding personnel and include any emergency response necessary to remove an inoperable vehicle from a public street or highway or to remove the operator and any passengers in the vehicle.

The fiscal impact of HB 254 on local government would likely be minimal. Emergency response officials said that the additional revenue collected under the provisions of HB 254 would be nominal. One state-wide official estimated that they respond to 50 such calls each year.

The Kentucky Firefighters Association is in favor of the proposal, but they did express the following concerns: How would funds be divided if the fire department, police department, and EMS respond to the same incident? Whereas a single agency could easily incur more than \$2,000 in expenses, would all three agencies collect a portion of the \$2,000 if the actual cost are over \$2,000? In these instances, the firefighters association suggested a standard formula for payment. Also, would there be any penalties associated with non-payment?

The Kentucky Sheriff's Association and Kentucky Fraternal Order of Police were also contacted for input. As of the date of this Statement, a response has not been received. If a response is received from either organization, this Statement will be updated accordingly.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II refers to the bill as introduced.

Data Source(s): LRC Staff, Kentucky Firefighters Association

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 3/13/20